



# MINUTES

## Judicial District and Judicial Resources Study Committee

November 9, 2004

### MEMBERS PRESENT:

Senator Don Redfern, Cochairperson  
Senator Eugene Fraise  
Dennis Anderson  
Megan Antenucci  
Curt Campbell  
Judge Stephen Clarke  
Virginia Cobb  
Deborah Dice  
Tom Drew  
Jay Eaton  
Barbara Edmondson  
Shirley Faircloth  
Joe Holland  
Fred James

Representative Gene Maddox, Cochairperson  
Carmen Loveland  
John McClintock  
Rhonda Millhollin  
Judge John Nahra  
Randy Osborn  
Carolee Philpott  
Judge David Remley  
Marty Ryan  
Judge Annette Scieszinski  
Justice Marsha Ternus

## MEETING IN BRIEF

.....

Organizational staffing provided by:  
Joe McEniry, Legal Counsel, (515)  
281-3189

Minutes prepared by: Rachele  
Hjelmaas, Legal Counsel,  
(515) 281-8127

- I. Procedural Business.
- II. Introductions.
- III. Judicial Branch.
- IV. NCSC Presentation.
- V. Proposals.
- VI. Materials on File With the Legislative Services Agency, Legal Services Division.



## Judicial District and Judicial Resources Study Committee

---

### **I. Procedural Business.**

**Call to Order.** Cochairperson Redfern called the Judicial District and Judicial Resources Study Committee to order at 10:05 a.m. on Tuesday, November 9, 2004, in the Supreme Court Chamber, State Capitol, Des Moines, Iowa.

**Adjournment.** The meeting adjourned at 2:59 p.m.

### **II. Introductions.**

Cochairperson Redfern gave opening remarks related to the history of the Committee and introduced Mr. Daniel Hall and Mr. Matt Kleiman from the National Center for State Courts (NCSC), who presented information related to workload assessments including the 2002 Iowa Judicial Workload Assessment Study and performance measures for courts. Committee members reintroduced themselves to the Committee.

### **III. Judicial Branch.**

Justice Ternus commented that the Judicial Branch has faced many challenges this past year with the budget cuts. She stated that short-staffing, travel restrictions, and furloughs have all had an impact on court operations and the overall administration of justice in both urban and rural areas across the state. She further commented that the challenges have created many opportunities for the courts to reassess and reallocate resources and to form best practice study committees. Justice Ternus stated that overall, case filings have declined slightly, but the demand for judicial services has increased.

### **IV. NCSC Presentation.**

#### **A. Workload Assessment Model.**

Mr. Hall, Vice President of NCSC, a court consulting service that issued a report in June 2002 assessing judicial caseloads in Iowa, provided background information about NCSC. He emphasized that the NCSC mission is to help courts improve the administration of justice and to better serve the public. He also stated that the NCSC experience with workload assessments (weighted caseloads measuring the average amount of time necessary to process a case) has included 20 states in addition to Iowa, and he noted that he has observed many of the same issues in the states studied relating to obtaining, accounting for, and managing judicial resources.

Mr. Kleiman, a court research associate for NCSC, reviewed current methodology utilized by NCSC in assessing judicial workloads and noted that the NCSC judicial workload assessment model, which assigns weights to defined case categories based upon their complexity and need for judicial attention, allows a state to decide how to determine the need for judges, integrate quality and make the reasoning explicit, make a persuasive and reasoned case to the state's legislature for appropriate resources, and evaluate the equitable allocation of existing resources. He also presented an overview of a typical judicial workload assessment.

Mr. Kleiman stated that the methodology utilized in workload assessment studies attempts to tie the effective use of judicial resources to workloads, translate judicial caseload into judicial workload, account for the different types of cases, present the information in a credible and



understandable way to judges and the legislature, and develop an approach to distinguish what the actual state of the workload is as opposed to what it should be. He further stated that a measure of workload demand is based upon case filings, available judge time, and workload standards. He stated that a time study measures the total amount of judicial time focusing on case events and that the workload standard is a composite of separate cases observed during different events that occur as a case progresses through the judicial system. He further stated that a workload standard is the time, expressed in minutes, necessary to do a job of reasonable quality for a specific type of case. He stated that a "judge year" is the number of days per year that a judge has available to hear a case, and a "judge day" is the number of hours per day that a judge has available for case-related work.

Mr. Kleiman stated that the workload assessment model developed for Iowa by NCSC did not account for qualitative factors. He reported that the Iowa study indicated Iowa has a need for 170 judicial officers that currently 180 judicial officers are performing. He explained the calculations based upon the following figures: Iowa's "judge year" contained 212 days, and Iowa's "judge day" contained 7.5 hours at the time the study was conducted, which spanned a two-month period. He further reported that data was collected from all eight judicial districts and 14 subdistricts representing 98 of Iowa's 99 counties and that a total of 164 judicial officers including 57 district judges, 37 district associate judges, and 70 magistrates participated in the study. He opined that NCSC had a lot of confidence in this data based upon the participation rate. He further reported that a judge's time was tracked by 17 different case categories and several different basic case "events" including, but not limited to, preliminary proceedings, pretrial hearings and motions, settlement conferences, guilty pleas, jury trials, bench trials, sentencing and other dispositions, postjudgment proceedings, and other case-related work. He also stated that other non-case-related work was also taken into account, including judicial education and training and community activities and travel time.

### **B. Committee Discussion.**

The Committee commented on and raised questions about the workload assessment model developed specifically for Iowa and expressed concern about whether the model was sensitive to changes that occurred over time, including credibility and consistency issues since quality adjustments were not taken into account in the NCSC model. Judge Clarke and Judge Remley expressed concern about the fact that there are many different procedures and practices that are being used across the different judicial districts. Ms. Millholin also raised the concern that the smaller rural districts have different procedures and practices from urban districts, and Mr. Osborn commented that accountability becomes more of an issue when considering the differences between rural and urban areas.

Ms. Dice questioned how the NCSC recommendation can be implemented since funding has become a major issue. Mr. John Goerdt, a judicial planner with the Iowa Supreme Court, noted that the NCSC's weighted caseload formula was based on filings during only the 2000 calendar year. The caseload formula showed that the state had about 10 judicial officers more than the NCSC's formula suggested was needed. (Following the meeting Mr. Goerdt applied the NCSC's formula to the average filings for the past three years (2001 through 2003). The new analysis



## Judicial District and Judicial Resources Study Committee

---

performed by Mr. Goerdts shows the Iowa courts have a shortage of 3.8 judicial officers compared to what the NCSC formula suggests the courts need.)

Mr. Hall summarized the Committee's comments into the following five categories of concern:

1. Quality
2. Methodology
3. Urban/Rural Differences
4. Accountability
5. Best Practices

Committee discussion further raised the issue of lack of adequate funding as a basic concern. Mr. Eaton and Mr. Drew raised the issue of credibility of the study, as Mr. Eaton stated his perception that the agenda was predetermined and that the result obtained was set before the study was undertaken. Mr. Goerdts responded that there was no predetermined agenda when the Supreme Court hired NCSC to conduct this study, except to respond to the perception that there was not a need for additional judges. Judge Scieszinski questioned whether the quality of judicial services will decline because of the drive to achieve greater efficiencies. Judge Scieszinski also expressed concern about the need to address the issue of best practices.

Senator Kreiman stated that he is confident the Legislature will use this resource as a tool to help the Legislature in requesting additional judicial resources. He also raised the question of how to best utilize the results of the NCSC study to improve the quality of the judiciary within the confines of limited funding. He further commented that a showing of a mathematical need for more judges is vacuous without a showing that the quality of justice is declining as a result of that need.

### **C. Court Performance and Accountability.**

Mr. Hall continued the discussion with a presentation outlining the core responsibilities for which the courts should be held responsible and noted that judicial independence is not an end but a means to ensure that courts can fulfill their constitutional mandate. He emphasized that a focus on judicial accountability is necessary to demonstrate the effective use of resources, including staff, to facilitate informed decision making, assess progress in attaining stated goals, motivate specific behavior, and identify and laud positive outcomes. He stated the criteria for a good set of measures includes a discussion of outcome measures that indicate the quality or effectiveness of a particular service.

Mr. Hall further presented information relating to trial court performance standards as a means of developing a common language for describing and categorizing the performance of trial courts. He described five different standards, including access to justice, expedition and timeliness, equality, fairness, and integrity, independence and accountability, and public trust and confidence. He also described the use of CourTools, a measure created to identify and define the core responsibilities of courts. He stated that CourTools provides a balanced scorecard to provide management information from four different perspectives, minimizes information overload by limiting the number of measures used, and forces organization to focus on the critical measures.

### **D. Best Practices Discussion.**



Mr. Hall stated that a best practice analysis lies in three key areas: identification, distribution, and implementation. Judge Scieszinski questioned what place best practices have in Iowa, where the courts are operating on limited resources. Mr. Hall responded, citing examples of what other courts across the country have done to implement best practices, including identifying new sources of revenue, divesting the courts of certain functions, and implementing new programs in an effort to increase court efficiency. Mr. Goerdts stated that over the past one to one and a half years, the Iowa courts have been advised by other groups on the issue of best practices. He also stated that audit groups have visited local clerk of court offices and attempted to implement best practices, but that some best practices have a very real financial impact.

### **V. Proposals.**

Committee members discussed their desire to circulate proposals for continued discussion of workload assessments and the impact on judicial resources to include, but not be limited to, the following:

- The need for a measure of the correctional and fiscal impact of weighted caseloads on judicial resources.
- Whether SF 2243 from the 2004 Legislative Session relating to the transfer and apportionment of district associate judges and the qualification of magistrates should be resubmitted for consideration in the 2005 Legislative Session.
- Whether the current statutory formula based on filings and population is an accurate measure of the need for district judges and district associate judges or whether this formula should be abolished in favor of another measure.

### **VI. Materials on File With the Legislative Services Agency, Legal Services Division.**

The listed materials were distributed at or in connection with the meeting and may be accessed from the Committee's Internet page at:

<http://www4.legis.state.ia.us/asp/Internet/Committees/Committee.aspx?id=58>

1. Assessing Court Performance by the NCSC.
2. Iowa Workload Assessment by the NCSC.

3509IC